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BY:

Donna Marks

Date:

May 19 2005

MAIL STOP ISSUE FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Paul Giegerich

Conf. No.: 4744

Appln. No.: 10/757,892

Filing Date: January 15, 2004

Title:

PORTABLE GAME BOARD

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Group Art Unit:

3712

Examiner:

Vishu Mendiratta

Attorney Docket No.: 9249-51U1

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The following Comments on Statement of Reasons for Allowance is submitted in response to a Notice of Allowance and Fee(s) Due, dated April 28, 2005. Applicant respectfully objects to the Examiner's Statement of Reasons for Allowance listed in the paragraphs numbered 2-4 on page 2 of the Notice of Allowance.

37 C.F.R. § 1.104(e) and MPEP § 1302.14 permit an Examiner to set forth a written Statement of Reasons for Allowance under certain circumstances. However, certain requirements for the Statement of Reasons for Allowance are expressly set forth in NPEP § 1302.14, including the requirement that "[w]here specific reasons are recorded by the Examiner, care must be taken to ensure that Statements of Reasons for Allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims."

The Examiner's Statement of Reasons for Allowance listed in the paragraphs numbered 2-4 on page 2 of the Notice of Allowance are objected to at least on the ground that they fail to comply with the aforesaid requirement of MPEP § 1302.14 because the

Reasons for Allowance are not wholly accurate and place an unnecessarily narrow interpretation on the claims. Applicant denies acquiescence to the Reasons for Allowance and further denies being bound by any negative inferences that may flow therefrom in any future proceeding regarding this application or any patent(s) issuing directly or indirectly therefrom.

Applicant objects to the Examiner's statements of Reasons for Allowance because the Examiner includes features in the Reasons for Allowance that are not included in the identified claims. Specifically, claim 1 does not recite that the second panel is of a flexible material or that the claimed combination forming a portable game board includes a collapsible frame. Claim 1 includes recitation of a second panel but not a second panel of a flexible material. In addition, claim 1 includes recitation of a collapsible table but not a collapsible frame. Claim 8 does not include recitations of a second panel, a first or second panel of flexible material, a collapsible frame or a top and bottom as is recited by the Examiner in the Reasons for Allowance for claim 8. Claim 8 claims a first panel but not a second panel, no flexible material, a collapsible table but not a collapsible frame and makes no reference to a top or bottom. Further, claim 19 claims a collapsible table but not a collapsible frame.

Claims 1, 8 and 19 are patentable over the prior art of record because of reasons that were made clear in a previously filed Amendment, dated February 1, 2005. Specifically, claim 1 was amended to include the allowable subject matter of application claim 5 and allowable claims 8 and 19 were rewritten into independent form in order to place the application into condition for allowance. Claims 3, 6, 9, 10, 12-18, 20 and 21 are dependent upon one of claims 1, 8 and 19. Therefore, application claims 1, 3, 6, 8-10 and 12-21 are patentable for the reasons described in the Amendment, dated February 1, 2005.

It is respectfully requested that these comments be made of record in the application and the patent file.

Respectfully submitted,

PAUL GIEGERICH

May 19, 2005
(Date)

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